7278262/2023/SC-D-GAD01

ABSTRACT

PUBLIC SERVICES – Allegation of corruption - Demand and Acceptance of bribe against Sri Salagala Erimiya Raju, the then Deputy Secretary to Government, Health, Medical & Family Welfare Department, A.P.Secretariat, Velagapudi - Sanction for Prosecution under the Prevention of Corruption Act, 1988 - Accorded – Orders – Issued.

GENERAL ADMINISTRATION (SC.D) DEPARTMENT

G.O.Ms. No.29 Dated:27.02.2023
Read:-

O R D E R:

WHEREAS, Sri Salagala Erimiya Raju S/o Sri Jesu Dass, worked as Deputy Secretary to Government, Health, Medical & Family Welfare Department, A.P. Secretariat, Velagapudi from 15-04-2019 to 11-12-2019 and by virtue of the post held by him, he falls under the category of a Public Servant as defined under section 2(c) of Prevention of Corruption Act, 1988.

2. AND WHEREAS, Dr. Yekula Kiran Kumar, S/o Late Raja Rao, aged 57 years, Professor of Surgery, Old Government General Hospital, Vijayawada meted out lot of injustice in his promotions and thereby, he approached the Social Welfare Department and Hon'ble National Commission for SCs, New Delhi for redressal of his grievance. On Dr. Y. Kiran Kumar's representations, both the wings have conducted enquiries and the Joint Director (Vigilance), O/o Commissioner, Social Welfare and Hon'ble National Commission for Scheduled Castes, Government of India, New Delhi issued orders in favour of Dr. Y. Kiran Kumar. As the orders of the above two wings were not implemented, Dr. Y.Kiran Kumar also approached the Government requesting to implement Vigilance Report & Hon'ble NCSC Judgement and for posting to Guntur. But, the orders have not implemented and still pending.

On 04-11-2019 at about 8 PM, Sri S. Erimiya Raju and Sri Anand, brother-in-law of Dr. Y. Kiran Kumar came to the OP room of KIMS hospital, 5th line, Gunturvari Thota, Old Club Road, Guntur city belonging to the wife Dr. Y. Kiran Kumar. On that, Dr. Y. Kiran Kumar explained his issue in detail. Later, they three went to a hotel for dinner and thereafter, they moved more than 2 hours in a car. At about 0.30 AM on 05-11-2019, the money discussions that ensued between them wherein Sri S. Erimiya Raju demanded Rs. 10 lakhs as bribe to clear the file and asked Rs.1-2 lakhs as an advance and the same was recorded in the cell phone of Dr. Y. Kiran Kumar.

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On 20-11-2019 at 9 PM, Sri S. Erimiya Raju and Anand again came to the OP room of the Hospital of the wife of Dr. Y. Kiran Kumar. Then, Dr. Y. Kiran Kumar requested Sri S. Erimiya Raju that he will pay Rs. 50,000/- as an advance of bribe amount and will pay the remaining balance after G.O. is issued, for which Sri S. Erimiya Raju accepted and he has paid Rs. 50,000/- to Sri S. Erimiya Raju in his wife's hospital OP room. The happenings on 20-11-2019 i.e. the acceptance of bribe by Sri S. Erimiya Raju in the hospital OP room of the wife of Dr. Y. Kiran Kumar were recorded in the CC Camera already available in that room.

Thereafter, Sri S. Erimiya Raju informed that he has to settle 3 issues viz. 1) Notional Promotion as Associate Professor and subsequent promotion as Professor & HOD, 2) Posting a GMC/GGH, Guntur and 3) Salary for the last 3 years.

Both the occurrences i.e. the happenings between Dr. Y. Kiran Kumar and Sri S. Erimiya Raju on 04-11-2019 and 20-11-2019 in his wife's hospital OP room, were directly witnessed by the Duty Compounder Sri M. Mahesh, KIMS Hospital, Guntur. Dr. Y.Kiran Kumar downloaded the relevant CC camera footage dt. 04.11.2019 and 20.11.2019 in addition to the audio file containing conversation between Dr. Y. Kiran Kumar and Sri S. Erimiya Raju in car and OP room in the Compact Disc (CD) enclosed to his report to A.C.B., Guntur for taking necessary legal action.

3. AND WHEREAS, the offence of demand of Rs. 10 lakhs and acceptance of bribe of Rs. 50,000/- by Sri S. Erimiya Raju was completed and the acts of Sri S. Erimiya Raju constitute an offence punishable under the provisions of Sec. 7(a) of Prevention of Corruption (Amendment) Act, 2018 and Sec. 506 IPC, a report was forwarded to the Head Office, A.C.B., Vijayawada seeking permission to register a case. Accordingly, on 06-01-2020 memo in IW No.10473-VGT/2019-S.17 was received from Head Office, to register a criminal case against Sri S. Erimiya Raju under appropriate section of law.

4. AND WHEREAS, on 06-01-2020 at 12.00 hours the statement Dt. 23-12-2019 of Dr. Y. Kiran Kumar was registered as a case in Cr. No. 01/RCO-ACB-GNT/2020 U/s 7(a) of Prevention of Corruption (Amendment) Act 2018 and Sec. 506 IPC of A.C.B., Guntur district, submitted the original FIR along with original statement of Dr. Y. Kiran Kumar dt. 23-12-2019 to the Hon'ble Special Judge for SPE & ACB Cases, Vijayawada and copies to all officers concerned and the Inspector, ACB, Guntur took up investigation.

5. AND WHEREAS, during the course of investigation, witnesses were examined and their statements discloses that Sri Salagala Erimiya Raju has demanded an amount of Rs. 10,00,000/- as bribe and accepted Rs. 50,000/- as an advance (bribe) from Dr. Y. Kiran Kumar for showing official favour in processing the file pertaining to the promotion of Dr. Y. Kiran Kumar, implement the Vigilance Report and the recommendations of the Hon'ble National Commission for Scheduled Castes, New Delhi regarding the promotion of Dr. Y. Kiran Kumar. Further, statements of

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Dr. Y. Kirna Kumar and Sri Mandagani Mahesh was also recorded by Magistrate U/s 164 Cr.P.C. The files pertaining to the official favour in respect of Dr. Y. Kiran Kumar are secured from the office of Sri S. Erimiya Raju i.e. HM & FW Department, wherein, it is disclosed that Sri S. Erimiya Raju dealt with the official faovur file pertaining to Dr. Y. Kiran Kumar.

6. AND WHEREAS, the above said acts of Sri Salagala Erimiya Raju, who worked as Deputy Secretary, HW & FW Department, A.P. Secretariat, Velagapudi constitute offences punishable under section 7(a) of Prevention of Corruption (Amendment) Act, 2018.

7. AND WHEREAS, the Government of Andhra Pradesh being the competent authority to remove Sri Salagala Erimiya Raju, who worked as Deputy Secretary to Government, HM & FW Department, A.P. Secretariat, Velagapudi from service after fully and carefully examining the material (i.e. F.I.R., final investigation report of the DG, A.C.B., A.P. Vijayawada etc.) placed before them in respect of the said allegations and having regard to the facts and circumstances of the case considered that Sri Salagala Erimiya Raju, worked as Deputy Secretary to Government, HW & FW Department, A.P. Secretariat, Velagapudi Guntur should be prosecuted in a Court of Law.

8. NOW THEREFORE, in exercise of the powers conferred under Clause (b) of Sub-Section (1) of Section 19 of Prevention of Corruption Act, 1988, the Government of Andhra Pradesh hereby accord sanction for the Prosecution of Sri Salagala Erimiya Raju, worked as Deputy Secretary to Government, HM & FW Department, A.P. Secretariat, Velagapudi for the above said offences punishable under Section 7(a) of P.C.(Amendment) Act, 2018 and for any other cognate offences punishable under any other provisions of Law for the time being in force in respect of the aforesaid acts and for taking cognizance of the said offences by a court of competent jurisdiction.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

(Dr. K.S. JAWAHAR REDDY)
CHIEF SECRETARY TO GOVERNMENT

To
The Director General,
Anti Corruption Bureau
A.P.Vijayawada.
Copy to:
Sf/Sc.